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CONFIDENTIAL FILED UNDER SEAL

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

-----X	:	
ANTHROPOLOGIE, INC. and U.O.D.,	:	
	:	Civil Action No. 04-CV-6900
Plaintiffs,	:	
	:	
-against-	:	MEMORANDUM OF LAW
	:	IN SUPPORT OF MOTION
	:	TO ENFORCE
KVM INTERNATIONAL FASHIONS, LTD.	:	CONSENT JUDGMENT
d/b/a CHAUDRY and	:	
KRISHAN K. CHAUDRY	:	
	:	ECF CASE
Defendants.	:	
-----X	:	

Urban Outfitters, Inc., as successor in interest to Anthropologie, Inc. and U.O.D. Inc. ("Urban Outfitters"), by its undersigned attorneys, Duane Morris LLP, respectfully submits the following memorandum of law in support of its motion for entry of an order of final judgment as consented to by defendants KVM International Fashions, Ltd. d/b/a Chaudry and Krishan K. Chaudry (collectively, "Defendants") pursuant to this Court's Stipulation and Order of Dismissal ("Order"), a settlement agreement executed by Anthropologie, Inc. and U.O.D. Inc. and Defendants on June 16, 2005 (the "Settlement Agreement"), and the Stipulated Protective Order

entered by this Court on July 7, 2011.¹ *See* the Declaration of Vanessa C. Hew in Support of Motion to Enforce Consent Judgment (“Hew Decl.”) ¶ 4, Ex. 1.

BACKGROUND

On August 25, 2004, Anthropologie, Inc. and U.O.D. Inc. brought the above-captioned action against Defendants alleging that Defendants were selling certain clothing items which featured patterns, fabrics and color schemes virtually identical to copyrighted designs belonging to Plaintiffs. *See* Case No. 1:04-CV-06900 (JGK) (RLE) Docket Entry No. 1 (Complaint).² Defendants soon agreed to enter into the Settlement Agreement [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Urban Outfitters has since discovered that Defendants have violated the Settlement Agreement by [REDACTED]

[REDACTED]
[REDACTED]

Accordingly, Urban Outfitters respectfully brings this motion to enforce the terms of the Settlement Agreement.

¹ Urban Outfitters, Inc. v. KVM International Fashions, Ltd., et al., Civil Action No. 11-01723, and Anthropologie, Inc. and U.O.D. v. KVM International Fashions, Ltd., et al., Civil Action No. 04-06900, have been designated as related actions.

² Case No. 1:04-CV-06900 was reassigned to the Hon. John G. Koeltl by Order of the Court dated April 8, 2011. (Docket Entry No. 17).

ARGUMENT

I. Consent Judgment Against Defendants is Proper

In the Settlement Agreement, Defendants consented [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

...

[REDACTED]

...

[REDACTED]

[REDACTED]

[REDACTED]

Furthermore, the Settlement Agreement provides, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Defendants have materially breached their obligations under the Settlement Agreement.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Pursuant to the Order dated August, 15, 2005, this Court has the authority to enforce the Consent Judgment agreed to by the parties on June 16, 2005. *See* Hew Decl. at ¶ 5, Ex. 3 (the Order). The Order explicitly provides that “this Court shall retain jurisdiction to enforce the

terms of the Settlement Agreement after this action is dismissed and the parties consent to this Court's exercise of jurisdiction to enforce the Settlement Agreement and agree that venue is proper in this Judicial District." Id.

Accordingly, Urban Outfitters respectfully requests that the Consent Judgment be entered in this action.

We thank the Court for its consideration.

Dated: New York, N.Y.
September 21, 2011

Respectfully submitted,

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U.O.D. Inc.

CERTIFICATE OF SERVICE

I hereby certify on this 21st day of September 2011 that I cause the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system by which notification of such filing will be sent to all counsel of record.

s/ R. Terry Parker